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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/890,098

Manfred Meinherz

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2833

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09/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/890,098	Applicant(s) MEINHERZ ET AL.	
	Examiner Marina Fishman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/12/2008;06/12/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 – 23, filed 11/19/2001, are pending in the case and are being examined.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “switch enclosure is split asymmetrically transversely” [Claims 2 and 4] must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (e) BRIEF SUMMARY OF THE INVENTION.
- (f) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (g) DETAILED DESCRIPTION OF THE INVENTION.
- (h) CLAIM OR CLAIMS (commencing on a separate sheet).
- (i) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

Appropriate correction is required.

Claim Objections

3. Claims 2 and 4 are objected to because of the following informalities: Claim 2, lines 4 and 5, and Claim 4, line 4, "the switch enclosure is split asymmetrically transversely" should be changed to -- the switch enclosure is split asymmetrically horizontally--, as Figure 1 shows the enclosure is split longitudinally [or horizontally] in sections 11, 12 and 13.

4. Claims 6 - 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-23 have not been further treated on the merits.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 – 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, lines 2 and 3 the recitation “flat or horizontal” is not clear. Flat does not necessarily be horizontal. In lines 12 and 13, there is no antecedent basis for “the moveable parts of the interrupter units”. In lines 16 and 17, the Applicant should clarify the specific arrangement and position of the drive device. In line 17, there is no antecedent basis for “the casing region”. In line 18, is unclear what is intended by “in order to introduce the drive forces into the switch enclosure”; there is no antecedent basis for “the drive forces”. In line 21, the Applicant should clarify what is intended by “in which case”. In line 22, there is no antecedent basis for “further encapsulation moguls” (what they are “further to”). In line 26, there is no antecedent basis for “the branching connections”.

Regarding Claim 3, there is no antecedent basis for “the axially shorter part”.

Regarding Claim 4, the Applicant should clarify the intended structure of the enclosure. It is unclear how the current transformer forms part of the housing.

Regarding Claim 5, line 5, there is no antecedent basis for “the casing region”; line 14 there is no antecedent basis for “at the casing of the switch enclosure”.

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The Examiner has pointed out only few of the deficiencies, the Applicant is required to review all the claims and make necessary corrections.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmonier [US 5,436,797] in view of Sakaguchi et al. [US 4,215,256].

Regarding Claim 1, Marmonier [Figure 5] discloses a polyphase encapsulating, gas-insulated outdoor high-voltage switching device with a horizontal construction, in which a number of circuit breaker interrupter units [D1, D2, D3, in each phase] are arranged parallel to one another in a tubular switch enclosure, in which, at both ends, these interrupter units have associated cable connections [2] which branch off at an angle to the longitudinal axis of the switch enclosure. Marmonier discloses the switch enclosure is provided at the ends with connecting flanges [flanges not numbered] for connection of further encapsulation modules [modules E on each side], in which case at least two modules [E] are arranged as further encapsulation modules in order to change the direction of the electrical connections of the interrupter units into the branching line connections.

Regarding Claim 1, Marmonier discloses the instant claimed invention except for a mounting frame and a drive device arranged to a side of the switch enclosure. Sakaguchi et al. disclose a switchgear apparatus with a mounting frame [Figure 7] and a drive device [60, 56, 62, 46, 68] arranged to a side of the switch enclosure. Sakaguchi et al. also disclose the drive device with a rotary bearing [between 56, 60, Figure 4] which is arranged in a casing region of the switch enclosure, in order to introduce the drive forces into the switch enclosure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a mounting frame and a drive in Marmonier, as suggested by Sakaguchi et al., in order to properly position the switching device and operate the circuit breakers for each of the phases.

Regarding Claims 2 - 4, Marmonier discloses the instant claimed invention including the enclosure being split asymmetrically [the end portion have length different than the central portion, a central portion has length which includes D1, B, E and D2]., however does not disclose the external diameters of the connecting flanges being less than the external diameter of the switching enclosure. Sakaguchi et al. also disclose end module [BG] being connected with the main module with flange and the external diameters [not numbered, diameter of DS1] of the connecting flanges being less than the external diameter [not numbered, diameter of enclosure CB] of the switch enclosure [CB]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide flanges for connecting the end modules using flanges of diameter less than the external diameter of the switch enclosure in Marmonier, as suggested by Sakaguchi et al., in order to properly position the switching device with the

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end modules. As to accommodating the current transformers in the shorter part of the switch enclosure, the use of current transformer is well known, and it would have been obvious to provide current transformers in the shorter part of the switch enclosure to measure the current.

Regarding Claim 5, Marmonier discloses claimed invention except for the drive mechanism. Sakaguchi et al. discloses a mounting flange [at 40, Figure 4] and lever mechanism including levers [56, 42, 46, 84, 76], and bearing points between levers [56, 60; 46, 84 and 84, 76]. The levers [52, 56 as well as 46, 84] change the direction of movement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of levers with bearing points, to connect transversely positioned driving device in Marmonier as suggested by Sakaguchi et al. in order to drive the moving contact of the switch gear.

Regarding Claims 6 - 11, 13, 14, 16, 18, and 19 - 23, grounding of switch gear is well known, and is disclosed by Marmonier in Figure 2, and the cable connecting modules with change in direction [horizontal to vertical] is disclosed in Figure 5.

Regarding Claim 12, the busing disclosed in Figure 5 of Marmonier forms a common plane. Regarding Claims 15 and 17, the use of voltage transformer is well known in the electrical system.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 5:30 - 4:00 M-T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/
Examiner, Art Unit 2833
September 21, 2009

/renee s luebke/
Renee Luebke
Supervisory Patent Examiner
AU 2833